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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JOSEPH P. SHELTON,

10 Petitioner,

No. CIV S-08-3057 FCD EFB P

11 vs.

12 JOHN C. MARSHALL, et al.,

13 Respondents.

ORDER

14 \_\_\_\_\_/  
15 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
16 U.S.C. § 2254. He has requested that the court appoint counsel. There currently exists no  
17 absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d  
18 453, 460 (9th Cir. 1996). The court may appointment counsel at any stage of the proceedings “if  
19 the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing  
20 Section 2254 Cases. The court does not find that the interests of justice would be served by the  
21 appointment of counsel at this stage of the proceedings.

22 Accordingly, it hereby is ORDERED that petitioner’s December 17, 2008, request for  
23 appointment of counsel is denied without prejudice.

24 DATED: June 29, 2009.

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26 EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE